

Message Text

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PAGE 01 QUITO 06883 01 OF 02 161635Z

41

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----- 121899

P 152047Z SEP 75

FM AMEMBASSY QUITO

TO SECSTATE WASHDC PRIORITY 7263

INFO AMCONSUL GUAYAQUIL

S E C R E T SECTION 1 OF 2 QUITO 6883

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FOR D, T, D/LOS, ARA AND OES

E.O. 11652: GDS

TAGS: PLOS PFOR EFIS EC

SUBJECT: SOME RECOMMENDATIONS ON HOW TO GET PAST THE NEXT TUNA
FISHING SEASON

REF: QUITO 6867

1. SUMMARY: THIS MESSAGE NOTES THAT ALTHOUGH PROGRESS IS BEING MADE ON TALKS ON A REGIONAL TUNA FISHING AGREEMENT, IT IS UNLIKELY AN AGREEMENT WILL BE CONCLUDED BEFORE NEXT YEAR. IT RECOMMENDS STEPS WHICH, IF UNDERTAKEN NOW BY THE USG AND THE GOE, MIGHT GET US SAFELY OVER THE FISHING SEASON WHICH BEGINS IN OCTOBER/NOVEMBER. THE GOE MINISTRY OF FOREIGN AFFAIRS HAS ASKED THE EMBASSY TO DISCUSS SUCH STEPS INFORMALLY WITH THEM PRIOR TO THEIR DELEGATE'S SEPTEMBER 24 DEPARTURE FOR NEW YORK. FOR THE USG, THOSE STEPS ARE AGREEMENT TO MAINTAIN ITS NEUTRAL STANCE ON THE QUESTION OF BUYING LICENSES; UNDERTAKING TO TRY TO PERSUADE OUR TUNA FISHERMEN NOT TO ENTER ECUADOREAN-CLAIMED WATERS THIS SEASON COUPLED WITH AN EXPLANATION OF THE CONSEQUENCES OF ENTERING ECUADOREAN-CLAIMED WATERS WITHOUT LICENSES; AND A RENEWED ENDORSEMENT OF THE IDEA OF ASSOCIATION AGREEMENTS WITH ECUADOR. FOR ITS PART, THE GOE WOULD UNDERTAKE TO REMOVE OR OTHERWISE

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SECRET

PAGE 02 QUITO 06883 01 OF 02 161635Z

ADJUST THE 600 TON LIMIT ON FISHING VESSELS; ESTABLISH

PROCEDURES TO ALLOW THE PURCHASE OF BOTH MATRICULAS AND LICENSES BY RADIO; AND ADOPT A NEW ADVISORY/ WARNING PROCEDURE BY THE ECUADOREAN NAVY WHICH WOULD, IN EFFECT, GIVE AMERICAN VESSELS THE CHANCE TO PURCHASE LICENSES AFTER HAVING BEEN APPREHENDED BUT BEFORE HAVING BEEN SEIZED. WITH THE EXCEPTION OF THE ADVISORY/ WARNING PROCEDURE, THESE PROPOSALS SHOULD BE MADE INFORMALLY TO THE GOE NOW. AUTHORIZATION IS REQUESTED TO DO SO. END SUMMARY.

2. AMBASSADOR MOORE AND THE EMBASSY HAVE BOTH REPORTED ON THE PROGRESS THAT HAS BEEN MADE IN MOVING TOWARD A REGIONAL TUNA FISHING AGREEMENT. THE TALKS IN NEW YORK NOW SCHEDULED TO BE HELD SEPTEMBER 29-OCTOBER 10 STAND AT LEAST AN EVEN CHANCE, POSSIBLY MORE, OF MOVING US FURTHER ALONG TOWARD AN AGREEMENT. BUT THE ECUADOREANS, WITH WHOM OUR EXCHANGES HAVE BECOME INCREASINGLY CORDIAL AND FRANK, HAVE MADE UNMISTAKABLY CLEAR THAT AN AGREEMENT ON FISHING CAN ONLY EMERGE AS A RESULT OF A GENERAL LOS SETTLEMENT. AN OVERALL LOS AGREEMENT IS THE ONLY CONTEXT IN WHICH THE ECUADOREANS CAN MAKE DE FACTO ABANDONMENT OF THEIR TERRITORIALIST CLAIMS, RECOGNIZE THE PREVALENCE OF SOME KIND OF ECONOMIC ZONE, AND AGREE THEREFORE TO SOME KIND OF A REGIONAL FISHING AGREEMENT UNDER THE CONSERVATION RUBRIC. SINCE A LOS AGREEMENT IS AT LEAST A YEAR AWAY, THAT LEAVES US WITH A NEW TUNA FISHING SEASON ABOUT TO BEGIN IN OCTOBER/NOVEMBER. ONE THING ON WHICH THE USG AND THE GOE CAN BOTH AGREE IS THAT A REINITIATION OF SEIZURES AND THE PROBLEMS WHICH WILL ATTEND THEREON IS SOMETHING WE WISH TO AVOID, WITHOUT, HOWEVER, SURRENDERING OUR RESPECTIVE JURIDICAL AND OTHER CLAIMS.

3. I THINK THERE ARE STEPS WHICH BOTH THE USG AND THE GOE COULD UNDERTAKE WHICH WOULD GET US PAST THIS FISHING SEASON.

4. THE UNITED STATES COULD:

A. CONTINUE ITS POSITION OF NEUTRALITY ON THE QUESTION OF LICENSES. BY STATE 057520 OF MARCH 14 THE DEPARTMENT
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PAGE 03 QUITO 06883 01 OF 02 161635Z

CONCURRED IN THE FOLLOWING STATEMENT WHICH WAS INCLUDED IN A SPEECH I DELIVERED HERE ON MARCH 19: "...THE POSITION OF THE UNITED STATES GOVERNMENT ON THE QUESTION OF BUYING LICENSES IS THAT THIS IS ENTIRELY A MATTER FOR VESSEL OWNERS AND OPERATORS TO DECIDE." THIS STATEMENT, OR ONE SUBSTANTIALLY LIKE IT, SHOULD BE PUT OUT AS A RESULT OF A PLANTED PRESS INQUIRY. WHILE ONE COULD EXPECT THAT THE STATEMENT WOULD FALL LIKE A DEAD MACKEREL ON US AUDIENCES,

THE SPOKESMAN'S REPLY IN RESPONSE TO AN INQUIRY WOULD BE MOST USEFUL HERE.

B. THE DEPARTMENT COULD ENDEAVOR TO PERSUADE OUR TUNA FISHERMEN NOT TO ENTER ECUADOREAN WATERS THIS SEASON SO AS NOT TO DISRUPT THE PROGRESS BEING MADE ON A REGIONAL FISHING AGREEMENT.

C. THE DEPARTMENT COULD UNDERTAKE TO EXPLAIN TO OUR TUNA FISHERMEN BOTH PROVISIONS OF ECUADOREAN LAW AND THE CONSEQUENCES, BASED ON EXPERIENCES DURING JANUARY-MARCH OF THIS YEAR DURING THE LAST SEASON, OF FIGHTING WITHOUT LICENSES IN ECUADOREAN WATERS.

D. THE DEPARTMENT COULD CONTINUE TO PUSH THE IDEA OF ASSOCIATION AGREEMENTS WITH ECUADOR.

5. FOR ITS PART, THE ECUADOREAN GOVERNMENT COULD BE ASKED TO:

A. ESTABLISH PROCEDURES TO ALLOW PURCHASE OF BOTH MATRICULAS AND LICENSES BY RADIO.

B. REMOVE THE 600 TON LIMIT ON FISHING VESSELS, EITHER BY AMENDING THE MINISTERIAL REGULATION ("ACUERDO") WHICH ESTABLISHED THE LIMIT, OR AGREEING TO SOME KIND OF PROCEDURE UNDER WHICH THE WELLS PROVIDING A CAPACITY IN EXCESS OF 600 TONS WOULD BE SEALED. THE 600 NRT LIMIT IS, OF COURSE, OF GREAT IMPORTANCE TO US SINCE IT EFFECTIVELY BARS OUR NEWEST AND MOST MODERN SHIPS. AMONG SUGGESTIONS WE MIGHT MAKE TO THE ECUADOREANS, IF THEY CAN'T ELIMINATE THE TONNAGE LIMITATION ALTOGETHER, ARE (1) HIGHER FEES FOR THE LARGER BOATS; (2) SEALING WELLS
SECRET

SECRET

PAGE 04 QUITO 06883 01 OF 02 161635Z

UNDER SUPERVISION TO BRING THE EFFECTIVE CATCH A LARGE SHIP MIGHT MAKE IN ECUADOREAN WATERS BELOW 600 NRT; (3) THE REQUIREMENT THAT VESSELS OVER 600 NRT BE INSPECTED BY THE ECUADOREAN NAVY ON ENTERING AND EXITING ECUADOREAN-CLAIMED WATERS; (4) A REQUIREMENT THAT VESSELS OVER 600 NRT AGREE TO PERMIT ECUADOREAN FACILITIES TO PROCESS PORTIONS OF THEIR CATCH (FOR EXAMPLE, DEL MONTE HAS A CANNING FACILITY HERE, AND STARKIST HAS PROCESSING ARRANGEMENTS THAT WOULD ALLOW LARGE AMERICAN SHIPS TO "GIVE ECUADOREAN CANNING FACILITIES PART OF THE WORK" PRODUCED BY THEIR LARGE CATCHES; OR (5) A REQUIREMENT THAT SHIPS OVER THE 600 NRT LIMIT ENTER SOME SORT OF ASSOCIATION AGREEMENT WITH ECUADOREAN INDUSTRY.

C. ESTABLISH A NEW ADVISORY/WARNING PROCEDURE TO BE FOLLOWED BY THE ECUADOREAN NAVY IN ACCORDANCE WITH WHICH, WHEN A FISHING BOAT IS APPREHENDED, THE ECUADOREAN NAVY WOULD (1) GIVE AN EXPLANATION OF ECUADOREAN LAW AND LICENSE REQUIREMENTS TO THE FISHING BOAT CAPTAIN, PREFERABLY IN WRITING IN ENGLISH, AND (2) ALLOW TWO TO FOUR HOURS GRACE WHICH THE VESSEL COULD UTILIZE, IF IT WISHED,

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PAGE 01 QUITO 06883 02 OF 02 172029Z

63

ACTION SS-25

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TO SECSTATE WASHDC PRIORITY 7264

INFO AMCONSUL GUAYAQUIL

S E C R E T SECTION 2 OF 2 QUITO 6883

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TO BUY LICENSES BY RADIO OR SUFFER SEIZURE.

6. THE DEPARTMENT WILL OF COURSE, HAVE TO DECIDE ON THE MERITS AND PRACTICABILITY OF THE MEASURE WHICH I PROPOSE THE USG TAKE. I HAVE THE FOLLOWING COMMENTS ON THE PRACTICABILITY AND/OR FEASIBILITY OF THE MEASURES I HAVE SUGGESTED THE GOE TAKE:

A. THE 600 TON LIMIT.

THE 600 TON LIMIT WAS SET IN DECEMBER, 1974. THE FON-
OFF HAS LATELY MAINTAINED TO US THAT IT WAS SET IN ERROR:
THEY THOUGHT THERE WERE NO US SHIPS OF MORE THAN 600 TONS
AND FRAMED THE RESOLUTION TO PROHIBIT PERUVIAN VESSELS OF
OVER 600 TONS, THEN UNDER CONSTRUCTION, FROM FISHING IN
ECUADOREAN-CLAIMED WATERS. HOWEVER THAT MAY BE, ON
AUGUST 14 AMBASSADOR GARCIA VELASCO ASKED ME FOR AN IN-
FORMAL PAPER OUTLINING STEPS WHICH WE THOUGHT THEY MIGHT

TAKE TO ELIMINATE THIS RESTRICTION. THERE IS THUS CLEARLY A DISPOSITION WITH THE FOREIGN MINISTRY TO TRY TO WORK OUT SOMETHING ON THIS SCORE. HOWEVER, THE MINISTRY HAS RECENTLY CONFIRMED TO AN EMBOFF (QUITO 6867) OUR SUSPICION THAT IT HAS NOT BEEN IN CONTACT WITH OTHER MINISTRIES ON THE WHOLE QUESTION OF A REGIONAL FISHING AGREEMENT. THIS MEANS THAT THE MINISTRY OF NATURAL RESOURCES, WHICH HAS SECRET

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PAGE 02 QUITO 06883 02 OF 02 172029Z

JURISDICTION OF THIS MATTER, WILL HAVE TO BE BROUGHT ALONG BY THE MINISTRY OF FOREIGN AFFAIRS--PERHAPS WITH OUR HELP.

B. PURCHASING MATRICULAS AND LICENSES BY RADIO. THERE IS SOME EVIDENCE THAT THIS IS ALREADY POSSIBLE IN CERTAIN CIRCUMSTANCES, SPECIFICALLY IN PANAMA. IN ANY EVENT, IF THE MECHANICS VPF BE ESTABLISHED I SEE NO REASON WHY THE GOE WOULD NOT PUT SUCH A SYSTEM INTO EFFECT. THE BIGGEST STUMBLING BLOCK, IT SEEMS TO ME, MIGHT WELL BE IN ARRANGING PAYMENT FOR SHIPS NOT UNDER CONTRACT TO LARGE CANNERIES OR UNDER CHARTER TO OR OWNED BY LARGE OPERATORS.

C. ADVISORY/WARNING PROCEDURES BY THE ECUADOREAN NAVY. THIS IS, OF COURSE, THE KEY. I HAVE NO IDEA WHETHER IT MIGHT BE ACCEPTABLE. ECUADOREAN OPPOSITION TO THE PROPOSAL WILL BE THAT IMMEDIATELY FOLLOWING THE FIRST INCIDENT IN WHICH THE EN ALLOWS A FISHING VESSEL TWO TO FOUR HOURS TO PURCHASE A LICENSE, THE NEWS WILL BE PASSED AMONG TUNAFISHERMEN WITH THE RESULT THAT NONE WILL BE MOTIVATED TO BUY LICENSES, INCLUDING THOSE WHOM WE MIGHT HAVE PREVIOUSLY CONVINCED TO FISH OUTSIDE ECUADOREAN-CLAIMED WATERS THIS SEASON. INSTEAD, THE ARGUMENT WILL BE, FISHERMEN WILL RUN THE RISK OF BEING CAUGHT, AWARE THAT WITH THE TWO TO FOUR HOURS WARNING THEY NO LONGER RISK PENALTIES AND LOST FISHING TIME. THE PRIMARY REASON FOR ACCEPTING THE PROCEDURE WOULD BE A STRONG ECUADOREAN WISH TO AVOID A REPEAT OF LAST YEARS PROBLEMS WITH THE HOPE THAT BY THE FOLLOWING SEASON THE MATTER MIGHT BE RESOLVED, AND HOPES OF THE EN EVENTUALLY TO OBTAIN SHIPS WHEN THE FISHING DISPUTE IS FINALLY RESOLVED. IF THE DEPARTMENT WERE AGREEABLE ON THE REST OF THIS PACKAGE, I WOULD PROPOSE TO TAKE THE ADVISORY/WARNING IDEA UP PERSONALLY WITH VICE ADMIRAL POVEDA AFTER THE NAVAL MISSION TO WASHINGTON (SEPTEMBER 22 TO 26) AND HIS OWN VISIT TO WASHINGTON (SEPTEMBER 29) HAVE TAKEN PLACE. MY HOPE WOULD BE THAT THE PROPOSAL PER SE WOULD NOT BE VIEWED AS ANY WEAKENING OF THE ECUADOREAN NAVY'S INTENTION TO ENFORCE ECUADOREAN LAW, AND THE POVEDA, WHOSE DESIRE TO STRNGTHEN RELATIONS BETWEEN OUR NAVIES IS STRONG, WOULD SEE THE ADVANTAGE TO SMOOTHER EN/USN RELATIONS OF SUCH A COURSE. IN

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PAGE 03 QUITO 06883 02 OF 02 172029Z

ANY EVENT, THE SUBJECT SHOULD ONLY BE DISCUSSED BY ME WITH POVEDA. I SHOULD NOT NECESSARILY EXPECT AN ANSWER. AND I WOULD HAVE TO BE ABLE TO ASSURE THE ADMIRAL THAT KNOWLEDGE OF SUCH A POLICY, IF ADOPTED BY THE EN, WOULD NOT BE COMMUNICATED BY US TO OUR FISHERMEN.

7. THE FOREIGN MINISTRY HAS ASKED FOR OUR THOUGHTS ON AVOIDING DIFFICULTIES DURING THE NEW FISHING SEASON BEFORE MINISTER JOSE AYALA LEAVES FOR NEW YORK ON SEPTEMBER 24. I WOULD PROPOSE TO HAVE POL COUNSELOR DO JUST THAT BY OUTLINING USG STEPS (PARA 4) AND PROPOSING GOE TAKE STEPS PARA 5A AND B (BUT NOT, REPEAT NOT C). THIS COULD BE PUT FORWARD EITHER AS EMBASSY'S TENTATIVE THINKING OR AS CONSIDERED USG PROPOSAL WHICH FOR OUR PART WE ARE PREPARED TO IMPLEMENT.

8. I REALIZE THAT IT MIGHT SEEM THE BETTER TACTIC TO AWAIT THE CONCLUSION OF THE NEW YORK TALKS BEFORE SURFACING THESE PROPOSALS TO THE GOE. I DO NOT THINK SO. GIVEN THE FACT THAT THE GOE CANNOT GIVE FINAL AGREEMENT TO A REGIONAL FISHING AGREEMENT NOW (CF. PARAGRAPH 2, ABOVE), AND THE KEY ROLE OF AYALA, I BELIEVE AND RECOMMEND THAT WE GO AHEAD NOW.

9. ACTION REQUESTED:

I REQUEST AUTHORIZATION TO PROCEED AS OUTLINED IN 7, ABOVE.
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Message Attributes

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Draft Date: 15 SEP 1975
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